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ON PAGE 4

CHRISTIAN SCIENCE MONITOR
11 MARCH 1977

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Government secrecy: the debate heats up

New push under way to jail news leakers

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Washington

A city that thrives on whispers, leaks, and inside information is taking a new look at ways to keep its secrets secret.

Admiral Stansfield Turner, new head of the Central Intelligence Agency, wants new laws slapping criminal penalties on people who leak secrets.

President Carter is trying to cut down on the number of people who can read documents stamped "secret."

U.S. Rep. Charles E. Bennett (D) of Florida has proposed a law to put those who leak secrets behind bars.

Both houses of Congress may take a look at the secrecy issue this year.

Fines, jail proposed

Mr. Bennett's bill, which remains in a subcommittee, would subject past and present federal employees to fines up to \$10,000 and imprisonment up to 10 years for divulging classified information. Those outside of government who pass along secret information would be subject to fines up to \$5,000 and a year's imprisonment.

The congressman's proposal also sets down new guidelines in an effort to prevent overclassification of material. For example, anyone who uses a classified stamp to conceal incompetence, wrongdoing, or other malfeasance would be subject to fines and imprisonment.

The Senate Select Committee on Intelligence is rewriting the charters for the Federal Bureau of Investigation and the CIA this year and is expected to wrestle with the secrecy question then.

Constitutionality questioned

But in both houses there is caution about imposing criminal penalties. There are grave constitutional questions about freedom of speech and press, as well as separation of powers.

What would happen, for example, if mem-

bers of Congress learned about secret documents which proved malfeasance by a president? How could they be subjected to criminal provisions for exposing such malfeasance, when it is their duty to do so?

Sen. Frank Church, (D) of Idaho led recent investigations of the CIA and other intelligence-gathering agencies and is one who takes a cautious approach toward new laws. At a hearing, he said:

"Often as not, classification is [imposed] for the purpose of giving [federal employees] protection, not for giving the country protection."

The secrecy problem, which has been debated off and on in this capital for years, has consistently defied easy answers.

Democracy and information

As an open society, America thrives on information. It is the meat of democracy that assures better performance by officeholders and more intelligent decisions by the electorate.

In America, one man's secret may be another man's expose. Some officials have tried to use the secrecy stamp to cover up poor performance or even criminal action.

On the other hand, ambitious politicians, bureaucrats, or journalists sometimes use classified information for their own benefit, and to the detriment of the country.

Recent publication by the Washington Post about secret payments to King Hussein of Jordan brought the secrecy issue back to the front burner in Washington.

CIA payments leaked

The Post got hold of a story that the CIA had funneled millions of dollars to King Hussein over a 20 year period. The money allegedly was used for personal purposes as well as intelligence activities.

The Post discussed the story with President Carter, then made the decision to publish just hours before Secretary of State Cyrus Vance was to meet with the King in Jordan.

Admiral Turner says the Post's story damaged America's relations with much of the world. The CIA has launched an investigation to find the source of the leak, he says.

The entire secrecy issue, says Admiral Turner, is under "great study and scrutiny today" — to find ways to "keep secret what must remain secret."